

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

**United States Courts
Southern District of Texas
FILED**

MAR 10 2006

Michael N. Milby, Clerk of Court


UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. C-06-181
	§	& C-06-129M
EFRAIN MARTINEZ	§	

STIPULATION

It is hereby stipulated between the United States of America, through the United States Attorney for the Southern District of Texas and through the undersigned Assistant United States Attorney, and the defendant, EFRAIN MARTINEZ, and the Defendant's attorney, that if material witnesses, **Max Alberto Cruz and Douglas Fernando Ramos-Banegas** were present in court and sworn as witnesses, they would testify in accordance with their respective attached Affidavits.

We, the undersigned, have read, understand, and agree that the information contained in this Stipulation and the attached Affidavits are true and correct.

CF - Marty 3-10-06
EFRAIN MARTINEZ Date


SCOTT ELLISON
Attorney for Defendant

3-10-06
Date

CHUCK ROSENBERG
UNITED STATES ATTORNEY

By: Joel R. Gonzalez 3/10/06
JOEL R. GONZALEZ Date
Assistant United States Attorney

Form I-215B
(Rev. 9-1-72)

UNITED STATES DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM

AFFIDAVIT

TO MY ILLEGAL SMUGGLING INTO THE UNITED STATES.
 IN RE: STATES. Case No: FLF0602000359
 EXECUTED AT FALFURRIAS, TX FILE NO. 099 535 456
 DATE February 18, 2006
 Before the following officer of the U.S. Immigration and Naturalization Service: FERNANDO CORTEZ
 in the SPANISH language. Interpreter FERNANDO CORTEZ used.

I, MAX A. CRUZ, acknowledge that the above-named officer has identified himself to me as an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. He has informed me that he desires to take my sworn statement regarding: MY ILLEGAL SMUGGLING INTO THE UNITED STATES.

He has told me that my statement must be freely and voluntarily given and has advised me of these rights:

"You have the right to remain silent.

Anything you say can be used against you in court, or in any immigration or administrative proceeding.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer."

I am willing to make a statement without anyone else being present. I swear that I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Being duly sworn, I make the following statement:

- M Q. Do you wish to have a lawyer or any other person present to advise you?
 A. No.
 Q. Are you willing to answer my questions at this time?
 A. Yes.
 Q. Do you swear that all the statements you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?
 A. Yes.
 Q. What is your true and correct name?
 A. CRUZ, Max Alberto
 Q. Have you used any other names?
 A. No, never.
 Q. Of what country are you a citizen?
 A. Honduras.
 Q. What is your date and place of birth?
 A. November 15, 1974 in Honduras.
 Q. When did you last enter the United States?
 A. I have never entered before.
 Q. Have you ever been ordered deported, excluded, or removed from the United States?
 A. No.
 Q. When did you enter the United States?
 A. On February 14, 2006.
 Q. How much did you pay to get smuggled into the United States.
 A. I paid \$5,500 U.S. Dollars.
 Q. What was your final destination in the United States?
 A. I was going to Maryland.

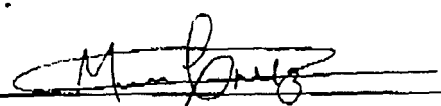
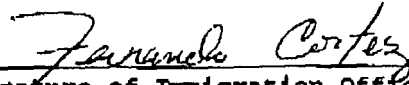
U.S. Department of Justice
Immigration and Naturalization Service

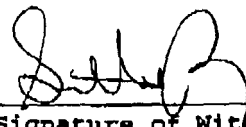
Continuation Page for Form I-215B

Alien's Name TO MY ILLEGAL SMUGGLING INTO THE UNITED STATES.	File Number Case No: FLF0602000359 099 535 456	Date February 18, 2006
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- 1
- Q. Who made the arrangements for you to be smuggled into the United States?
A. A nephew of mine in Honduras made the arrangements.
- Q. What happened when you crossed the river?
A. I got picked up in a small vehicle and was taken to a hotel.
- Q. How long were you at the hotel?
A. I was there for four days.
- Q. Where did you go from the hotel?
A. I was loaded into a white suburban and taken to an unknown place and was ordered to get in the trailer.
- Q. Where were you hiding in the trailer?
A. I was in the last bin towards the front of the trailer.
- Q. Were you scared?
A. I felt uncomfortable and scared.
- Q. How long were you inside the trailer?
A. For about a little over one hour and a half.
- Q. Did you see the driver at anytime you were loaded into the trailer or once inside?
A. No.
- Q. Do you have any fear of persecution or torture should you be removed from the United States?
A. No.
- Q. Is there anything else you would like to say at this time?
A. No.

I have read (or have had read to me) the foregoing statement consisting of 2 pages. I affirm that the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above-named officer of the Immigration and Naturalization Service. I have initialized each page of this statement (and the corrections noted on page(s) _____).

Signature of alien: Subscribed and sworn to me at: FALFURRIAS, TEXAS on February 18, 2006

(Signature of Immigration Officer)


(Signature of Witness)

Signature



Title

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Form I-215B
(Rev. 9-1-72)

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE
RECORD OF SWORN STATEMENT IN AFFIDAVIT FORM
AFFIDAVIT

Case No: FLP0602000359

IN RE: Efrain MARTINEZ (A99 535 454)

FILE NO. 099 535 457

EXECUTED AT FALFURRIAS, TX

DATE February 18, 2006

Before the following officer of the U.S. Immigration and Naturalization Service: GILBERT RAMIREZ

in the _____ language. Interpreter GILBERT RAMIREZ used.

I, DOUGLAS F. RAMOS-BANEGAS, acknowledge that the above-named officer has identified himself to me as an officer of the United States Immigration and Naturalization Service, authorized by law to administer oaths and take testimony in connection with the enforcement of the Immigration and Nationality laws of the United States. He has informed me that he desires to take my sworn statement regarding: My smuggling arrangements and my being smuggled in the back of a tractor
trails.

He has told me that my statement must be freely and voluntarily given and has advised me of these rights:

"You have the right to remain silent.

Anything you say can be used against you in court, or in any immigration or administrative proceeding.

You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning.

If you cannot afford a lawyer, one will be appointed for you before any questioning if you wish.

If you decide to answer questions now without a lawyer present, you will still have the right to stop answering at any time. You also have the right to stop answering at any time until you talk to a lawyer."

I am willing to make a statement without anyone else being present. I swear that I will tell the truth, the whole truth, and nothing but the truth, so help me, God.

Being duly sworn, I make the following statement:

Q. Do you wish to have a lawyer or any other person present to advise you?

A. No.

Q. Are you willing to answer my questions at this time?

A. Yes.

Q. Do you swear that all the statements you are about to make will be the truth, the whole truth and nothing but the truth, so help you God?

A. Yes.

Q. What is your true and correct name?

A. My name is Douglas Fernando RAMOS-Banegas.

Q. Have you used any other names?

A. No.

Q. Of what country are you a citizen?

A. Honduras.

Q. What is your date and place of birth?

A. I was born on February 14, 1977, in Honduras.

Q. When did you last enter the United States?

A. I have never entered before.

A O F R B

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-215B

Alien's Name Efrain MARTINEZ (A99 535 454)	File Number Case No: PLF0602000359 099 535 457	Date February 18, 2006
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Q. When did you enter the United States?

A. On February 14, 2006.

Q. How much did you pay to get smuggled into the United States.

A. I paid \$6,000 U.S. Dollars.

Q. What was your final destination in the United States?

A. I was going to Virginia.

Q. Who made the arrangements for you to be smuggled into the United States?

A. A friend of mine who has made it here already put in contact with the smuggler in Honduras and he made the arrangements.

Q. What happened when you crossed the river?

A. I was taken to a hotel somewhere on this side.

Q. How long were you at the hotel?

A. I was there for about three or four days.

Q. Where did you go from the hotel?

A. I was loaded into a white suburban and taken to the trailer. I do not know where it was but there were big steel pipes everywhere.

Q. Where were you hiding in the trailer?

A. I was in the first basket towards the front of the trailer.

Q. Were you scared?

A. No only when we were told to get in, after that I was okay.

Q. How long were you inside the trailer?

A. For about a little over one hour and a half.

Q. Did you see the driver of the truck anytime prior to getting into the trailer?

A. No.

Q. Do you have any fear of persecution or torture should you be removed from the United States?

A. No.

Q. Is there anything else you would like to say at this time?

A. No.

D F R B

I have read (or have had read to me) the foregoing statement consisting of 3 pages.

Signature 	Title BPA
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2 of 3 Pages

U.S. Department of Justice
Immigration and Naturalization Service

Continuation Page for Form I-215B

Alien's Name Efrain MARTINEZ (A99 535 454)	File Number Case No: FLP0602000359 099 535 457	Date February 18, 2006
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I affirm that the answers attributed to me herein are true and correct to the best of my knowledge and belief and that this statement is a full, true, and correct record of my questioning by the above-named officer of the Immigration and Naturalization Service. I have initialized each page of this statement (and the corrections noted on page(s) DEBB).

Signature of alien: Douglas Fernando Rono

Subscribed and sworn to me at: Palfurrias, Texas on February 18, 2006.

[Signature]
(Signature of Immigration Officer)

[Signature]
(Signature of Witness)

Signature

[Signature]

Title

BPA

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